

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

LYNDON EDWARD WATLER,

Plaintiff(s),

v.

UNITED STATES OF AMERICA,

Defendant(s).

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Case No. 4:08CV00727-JCH

**ORDER**

This matter is before the Court upon its review of the record. On May 19, 2008, Plaintiff filed his Motion under 28 U.S.C. §2255 to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody. (Doc. No. 1). To date, Defendant has not responded to Plaintiff's Motion.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant must file its Response to Plaintiff's Motion under 28 U.S.C. §2255 to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody (Doc. No. 1) no later than **Friday, October 31, 2008**. Failure to do so will result in the Court's ruling on Plaintiff's unopposed motion.

Dated this 15th day of October, 2008.

/s/ Jean C. Hamilton

UNITED STATES DISTRICT JUDGE